

Remarks / Arguments

Summary of Amendments to the Claims

Claim 1 has been amended to more clearly recite the structure of the first and the second selecting means and their respective association with particular audio/video clips and special effects.

Claim 6 is cancelled.

Claim 7 has been amended to clarify reference to associating steps for associating switches with particular audio/video clips and special effects, and the steps of processing clips and applying special effects based on selected associations.

Claims 8-11 are new to more clearly and particularly point out distinctive embodiments of the invention.

Claim Rejections based upon 35 USC §102 and 35 USC §103

The Examiner rejects Claims 1-6 under 35 USC §102 as being anticipated by Newman et al (6,154,600). The Examiner rejects claim 7 under 35 USC §103(a) as being unpatentable over Newman et al (6,154,600) in view of Peters (5,577,190). Further, the Examiner points to Steinstra (US 2004/0174431) as disclosing a device for interacting with real-time streams of content, Camara (US 7039727) as disclosing a system and method for controlling mass storage class digital imaging devices, and Collins (US 5855483) as disclosing an interactive play with computer.

Claim 1

In Claim 1 as amended, the references of Peters, Newman, Steinstra, Camara, and Collins do not teach, either individually or in combination, momentary switches attributed to

audio/video clips and used for selecting an audio/video clip. These references do not teach on/off switches attributed to special effects. These references do not teach these switches on a portable instrument where the portable instrument is used for processing audio/video clips in real time. Camara and Collins do not teach, either individually or in combination, a portable instrument having outputting means for outputting processed audio/video clips in real-time. Steinstra, Camara, and Collins do not teach, either individually or in combination, applying a special effect to a selected audio/video clip.

Since several elements of Claim 1, as amended, are not taught by the references, Applicant believes he has shown that this claim is not anticipated by any of the references, acting alone or in combination. Applicant further asserts that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. The references, acting in combination, do not teach various elements required in order to perfect the configuration as set forth in Claim 1.

Claims 2 through 5

Claims 2 through 5 depend upon Claim 1 and should be allowable should the Examiner find Claim 1 to be allowable. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

Claim 7

In Claim 7 as amended, the references of Peters, Newman, Steinstra, Camara, and Collins do not teach, either individually or in combination, associating a plurality of momentary switches to a plurality of audio/video clips, each momentary switch to a particular audio/video clip. In Peters, buttons are contemplated that additional buttons be provided so that a user may program their functionality, but does not teach the discovery of associating a momentary button to a particular audio/video clip. Newman's switches are

not used for selecting clips, they representing capture functions, such as 'record', 'play', 'stop' and 'pause'.

Peters, Newman, Steinstra, Camara, and Collins do not teach, either individually or in combination, associating a plurality of on/off switches to a plurality of special effects, each on/off switch to a special effect.

Steinstra, Camara, and Collins do not teach, either individually or in combination, selecting for processing audio/video clips from a plurality of audio/video clips, based on a selected momentary switch selected from the plurality of momentary switches.

Newman does not teach a computer readable medium having a computer readable program.

Since several elements of Claim 7, as amended, are not taught by the references, Applicant believes he has shown that this claim is not anticipated by any of the references, acting alone or in combination. Applicant further asserts that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. The references, acting in combination, do not teach various elements required in order to perfect the steps as set forth in Claim 7.

Claim 8

In Claim 8, the references of Peters, Newman, Steinstra, Camara, and Collins do not teach, either individually or in combination, a performance apparatus for mixing and playing multimedia clips. Steinstra and Camara do not teach, either individually or in combination, a portable performance device. Steinstra and Camara do not teach, either individually or in combination, one or more switches disposed on a portable performance device. Peters, Newman, Steinstra, and Camara do not teach, either individually or in combination, that the switches on a portable performance device are configured for receiving musical gestures. Peters, Newman, Steinstra, Camara, and Collins do not teach,

either individually or in combination, attributing a first set of switches to multimedia clips. Peters, Newman, Steinstra, Camara, and Collins do not teach, either individually or in combination, attributing a second set of switches to effects. Steinstra, Camara, and Collins do not teach, either individually or in combination, processing circuitry in communication with switches, capable of processing a clip that has been attributed from a selected switch and also capable of applying to the clip an effect from another selected switch.

Since several elements of Claim 8 are not taught by the references, Applicant believes he has shown that this claim is not anticipated by any of the references, acting alone or in combination. Applicant further asserts that the subject matter as a whole would not have been obvious at the time the invention was made to a person having ordinary skill in the art. The references, acting in combination, do not teach various elements required in order to perfect the configuration as set forth in Claim 8.

Claim 9

Claim 9 depends upon Claim 1 and should be allowable should the Examiner find Claim 1 to be allowable. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

Claim 10

Claim 10 depends upon Claim 7 and should be allowable should the Examiner find Claim 7 to be allowable. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

Claim 11

Claim 11 depends upon Claim 8 and should be allowable should the Examiner find Claim 8 to be allowable. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). MPEP 2143.03.

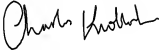
Summary.

For all the above reasons, applicant submits that the claims are now in proper form and that the claims all define patentably over the prior art. Therefore applicant submits that this application is now in condition for allowance and favorable action on the merits of this case is respectfully requested.

An interview with the Examiner is requested.

No claims were added. It is believed no fees are due regarding claims. Payment of additional fees in the amount of \$230.00 for Extension for response within the second month, 37 CFR 1.17(a)(2), is included with this Amendment.

Respectfully Submitted,



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